

- 5 -

Commissioner for PatentsApplication No. 10/699,692**- REMARKS/ARGUMENTS -**

Claims 1 to 10 remain in this application.

Former claim 12 has been rewritten in independent form. Accordingly, amended claim 1 incorporates therein all of the limitations of claim 12 and intervening claim 11. This claim was not objected to by the Examiner on prior art but only on formal grounds, and the objection has now been attended to and is believed overcome.

In the Office Action, the Examiner cited U.S. patent No. 6,109,216 under 35 USC § 102. Applicant wishes to point out to the Examiner that the reference does not teach a secondary burner as described in amended claim 1 of the present application. Article 74 of that patent is a flame arrester and what it does, is to prevent flames from escaping from the burner housing and flowing out to cause an explosion with combustible gas outside the housing. The arrester comprises a matrix of particles that are bounded or compressed together to form a cohesive unit. It does not create voids or openings that would allow a flame to form on the flame arrester and burn inside the combustion chamber.

Contrary to what is disclosed in U.S. patent No. 6,109,216, the secondary burner perforated disc, as defined in amended claim 1, recites that combustible vapors entering the combustion chamber will be ignited by the primary burner and cause a flame to burn on the inner surface of the secondary burner. Accordingly, as flammable vapors enter the combustion chamber mixed with air, the secondary burner is ignited by the primary burner and continues to burn the flammable vapors, preventing explosion within the combustion chamber and exhausting through the chimney of the hot water heater. With the 6,109,216 patent, the arrester does not act as a secondary burner nor will flammable vapors cause a flame to burn on the inner surface of the flame arrester. Its purpose is to arrest flames and not create flames.

The Valcic U.S. patent No. 6,003,477 is noted for its teachings of safety features as defined therein, and was applied against dependent claims of this application.

DOCSMTL: 15143691

- 6 -

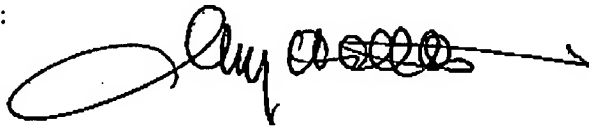
Commissioner for PatentsApplication No. 10/699,692

In view of the above amendments and remarks, this application is now believed to be clearly in condition for allowance and an early notice to that effect is earnestly solicited.

Respectfully submitted,

Claude LESAGE

By:

July 8, 2004

Date

Guy Houle, Reg. No. 24,971

Agent of Record

OGILVY RENAULT

1981 McGill College Avenue, #1600

Montreal, Quebec, Canada H3A 2Y3

Tel.: (514) 845-7126

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

GUY HOULE, Reg. No. 24,971
Name of person signing certification


SignatureJuly 8, 2004
Date

DOCSMTL: 1514369\1